

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

ROBERT KENNEDY ARNOLD
TX-1324236-R

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DOCKETED COMPLAINT NO. 09-126

AGREED FINAL ORDER

On this the 21st day of May, 2010, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Robert Kennedy Arnold, (Respondent). The Board makes the following findings of fact and conclusions of law and enters this Order:

In order to conclude this matter Robert Kennedy Arnold neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

FINDINGS OF FACT

1. Respondent Robert Kennedy Arnold is a state certified residential real estate appraiser, holds certification number TX-1324236-R, and has been certified by the Board during all times material to this complaint.
2. Respondent is subject to the jurisdiction of the Board, the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE Chapter 1103 (Vernon 2007) (the Act), the Rules of the Board, 22 TEX. ADMIN. CODE §§153, 155, 157 (West 2007) (the Rules), and the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal.
3. On or about March 12th, 2009, the Complainant, Deloris Kraft-Longoria, filed a staff-initiated complaint with the Board based on allegations that the Respondent had failed to comply with the a previous agreed final order.
4. On or about March 13th, 2009, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. Chapter 2007, notified Respondent of the nature and accusations involved and Respondent was afforded an opportunity to respond to the accusations alleged by the Complainant. Respondent's response to the complaint was received.
5. Respondent entered into an Agreed Final Order on or about October 5th, 2007 in complaint case #05-071.

6. As part of the agreed final order Respondent was required to complete certain remedial education within twelve months of the order's effective date.

7. Respondent has failed to comply with the terms of the agreed final order by not timely completing the required remedial education.

CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE §§ 1103.451-1103.5535 (Vernon 2007).

2. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(21).

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- a. Pay to the Board an administrative penalty of \$250.00; and
- b. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

Payment of the **ADMINISTRATIVE PENALTY** must be by certified funds, and must be tendered within **TWENTY DAYS** of the date of this Agreed Final Order.

Failure to comply with any of the terms of this Agreed Final Order within the time allotted shall result in **IMMEDIATE SUSPENSION** of the Respondent's certification pursuant to notice to the Respondent from the Board indicating that the Respondent has not fulfilled the requirements of this Agreed Final Order.

ANY SUCH SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS. Respondent shall be notified of any such suspension or lifting of probation by certified mail, return receipt requested, to the last known address as provided to the Board. If Respondent's certification is suspended on such a basis, the suspension shall remain in effect until such time as Respondent satisfies that portion of the Agreed Final Order which he has defaulted on and provides adequate documentation of same to the Board.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 12 day of MARCH, 2010.

Robert Kennedy Arnold
ROBERT KENNEDY ARNOLD

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 12th day of March, 2010, by ROBERT KENNEDY ARNOLD, to certify which, witness my hand and official seal.

Deana Bartholomew
Notary Public Signature

Deana Bartholomew
Notary Public's Printed Name



Signed by the Commissioner this 21 day of May, 2010.

Douglas E. Oldmixon
Douglas E. Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 21st day of May, 2010.

James B. Ratliff
James B. Ratliff, Chairperson
Texas Appraiser Licensing and Certification Board